

House Study Bill 112 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON GRASSLEY)

A BILL FOR

1 An Act providing a minimum mandatory criminal sentence for the
2 theft of a crop or livestock.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 714.7E Theft of a crop or livestock
2 — mandatory minimum sentence.

3 1. As used in this section, unless the context requires
4 otherwise:

5 a. "Crop" means the same as defined in section 717A.1.

6 b. "Livestock" means the same as defined in section 717.1.

7 2. A person convicted under section 714.2, subsection 1 or
8 2, for theft of property that is a crop or livestock, shall
9 be committed to the custody of the department of corrections
10 and shall serve a mandatory minimum sentence of thirty days.
11 A court shall not defer judgment or sentencing or suspend the
12 sentence as provided in section 907.3.

13 3. Subsection 2 shall apply notwithstanding any provision
14 to the contrary in chapter 905 or 907.

15 Sec. 2. Section 907.3, subsection 1, paragraph a, Code 2015,
16 is amended by adding the following new subparagraph:

17 NEW SUBPARAGRAPH. (14) The offense is a violation of
18 section 714.2, subsection 1 or 2.

19 Sec. 3. Section 907.3, subsection 2, paragraph a, Code 2015,
20 is amended by adding the following new subparagraph:

21 NEW SUBPARAGRAPH. (8) The offense is a violation of section
22 714.2, subsection 1 or 2.

23 Sec. 4. Section 907.3, subsection 3, Code 2015, is amended
24 by adding the following new paragraph:

25 NEW PARAGRAPH. g. The mandatory minimum sentence of
26 confinement imposed under section 714.7E. However, the court
27 may suspend any remaining part of the sentence.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 GENERAL. This bill provides that a person convicted of a
32 class "C" or class "D" felony for theft of a crop or livestock
33 must serve a mandatory minimum sentence of 30 days. The court
34 must pronounce judgment and sentencing and is prohibited from
35 suspending the minimum sentence of confinement of 30 days.

1 CROP OR LIVESTOCK. A crop is any plant maintained for
2 its parts or products having commercial value, if the plant
3 is produced from an agricultural seed (Code section 199.1),
4 including a plant producing a commodity (Code section 210.10).
5 Livestock is an animal belonging to the bovine, caprine,
6 equine, ovine, or porcine species, or an ostrich, rhea, emus,
7 farm deer, or poultry.

8 DEGREES OF THEFT. Generally, the theft of property
9 exceeding \$10,000 in value is a class "C" felony (Code section
10 714.2(1)) and punishable by confinement for no more than 10
11 years and a fine of at least \$1,000 but not more than \$10,000
12 and the theft of property exceeding \$1,000 but not exceeding
13 \$10,000 in value is a class "D" felony and punishable by
14 confinement for no more than five years and a fine of at least
15 \$750 but not more than \$7,500 (Code section 902.9(9)(1)).